

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DYNALANTIC CORPORATION,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 95-2301 (EGS)
v.	)	
	)	
UNITED STATES DEPARTMENT	)	
OF DEFENSE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

For the reasons set forth in the accompanying Memorandum Opinion filed this day, it is hereby

**ORDERED** that Defendants' Motion for Summary Judgment regarding the facial constitutionality of the Section 8(a) program, 15 U.S.C. § 637(a) *et. seq.*, and its accompanying regulations, is **GRANTED**; it is further

**ORDERED** that Plaintiff's Motion for Summary Judgment regarding the facial constitutionality of the Section 8(a) program is **DENIED**; it is further

**ORDERED** that Defendants' Motion for Summary Judgment regarding the constitutionality of the 8(a) program as applied to award contracts for military simulators is **DENIED**; it is further

**ORDERED** that Plaintiff's Motion for Summary Judgment regarding the constitutionality of the 8(a) program as applied to award contracts for military simulators is **GRANTED**; it is further

**ORDERED** that the Small Business Administration and the Department of Defense are hereby enjoined from awarding procurements for military simulators under the Section 8(a) program without first articulating a strong basis in evidence for doing so; it is further

**ORDERED** that Plaintiff's remaining requests for declaratory and injunctive relief are **DENIED**.

**SO ORDERED.**

Signed: **Emmet G. Sullivan**  
**United States District Judge**  
**August 15, 2012**